

REMARKS

Applicant has carefully reviewed the Application in light of the final Office Action mailed September 12, 2005. At the time of the Final Office Action, Claims 1-6 and 8-18 were pending in the Application. Applicant has also personally contacted the Examiner to discuss the forthcoming Advisory Action. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 103 Rejection

The Examiner rejects Claims 1-6 and 8-18 under 35 U.S.C. §103(a), as being unpatentable by U.S. Patent No. 5,754,768 issued to Brech, et al. (hereinafter “*Brech*”) in view of U.S. Patent No. 5,892,924 issued to Lyon, et al. (hereinafter “*Lyon*”). This rejection is respectfully traversed for the following reasons.

Once again Applicant respectfully reminds the Examiner that to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior reference (or references when combined) must teach or suggest all of the claim limitations.<sup>1</sup> The rejected claims are patentable over the art of record based on at least the third criterion of obviousness: none of the references alone or in combination teach, suggest, or disclose each and every claim limitation of the Independent Claims.

Independent Claim 1 recites “*recording said first routing treatment, wherein said step of recording comprises building an entry in a flow cache.*”

For this recitation, the Examiner relies on *Lyon*. *Lyon* offers an architecture that appears to use a cache, but a cache that is disparate from the subject matter of the present invention. For example, the architecture of *Lyon* fails to actually build an entry in a cache. Caches are generally used for temporary storage of data, which can be periodically or systematically updated. In conventional routing, a session ID is simply recorded such that similar packets can subsequently be routed together. Flow caches are normally populated by

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<sup>1</sup> See M.P.E.P. §2142-43.

dumping a routing table into the flow cache. Such is not the case here. Instead, the present invention is able to record the routing treatment directly in the flow cache. There is nothing in any other reference that provides this disclosure. Applicant compels the Examiner to proffer any Prior Art that offers such a functionality.

The *Brech-Lyon* combination is flawed in that there is simply no disclosure of any flow cache in which an entry is built such that future redundant processing is effectively avoided. Because the references lack such a limitation, Independent Claim 1 is allowable over the proposed combinations.

In addition, Independent Claim 14 recites a similar (but not an identical) limitation and, thus, is also allowable over this combination using a similar rationale. Additionally, using analogous reasoning, the corresponding dependent claims of these Independent Claims are also allowable over the references of record. Notice to this effect is respectfully requested.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

The Commissioner is hereby authorized to charge the amount of \$790.00 to satisfy the fee due under 37 C.F.R. §1.17(e). Applicant believes no other fees are due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney, Thomas J. Frame, at (214) 953-6675.

Respectfully submitted,  
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